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# TRANSMITTAL FORM

*(to be used for all correspondence after initial filing)*

Total Number of Pages in This Submission

| | |
|---|---|
| Application Number | 09/741,219 |
| Filing Date | December 19, 2000 |
| First Named Inventor | Adam Bosworth |
| Art Unit | 2193 |
| Examiner Name | Vu, Tuan A. |
| Attorney Docket Number | 109870-130088 |

## ENCLOSURES *(Check all that apply)*

- [x] Fee Transmittal Form
- [x] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [x] Appeal Communication to TC **(Appeal Notice, Brief, Reply Brief)**
- [ ] Proprietary Information
- [ ] Status Letter
- [x] Other Enclosure(s) (please Identify below):
  Return Receipt Postcard

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|---|---|---|---|
| Firm Name | Schwabe, Williamson & Wyatt, P.C. | | |
| Signature | | | |
| Printed name | Robert C. Peck | | |
| Date | April 19, 2006 | Reg. No. | 56,826 |

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

| | | | |
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| Signature | | | |
| Typed or printed name | Yvette L. Chriscaden | Date | April 19, 2006 |



*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

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*Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).*

# FEE TRANSMITTAL
## For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

| TOTAL AMOUNT OF PAYMENT | ($) | 500 |
|---|---|---|

| Complete if Known | |
|---|---|
| Application Number | 09/741,219 |
| Filing Date | December 19, 2000 |
| First Named Inventor | Adam Bosworth |
| Examiner Name | Vu, Tuan A. |
| Art Unit | 2193 |
| Attorney Docket No. | 109870-130088 |

**METHOD OF PAYMENT** (check all that apply)

☑ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☑ Deposit Account Deposit Account Number: 500393 Deposit Account Name: Schwabe, Williamson et al

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**

☑ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☑ Credit any overpayments

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**FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)**

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | |
|---|---|---|---|---|---|---|---|
| Application Type | Fee ($) | Small Entity Fee ($) | Fee ($) | Small Entity Fee ($) | Fee ($) | Small Entity Fee ($) | Fees Paid ($) |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

**2. EXCESS CLAIM FEES**

| Fee Description | Fee ($) | Small Entity Fee ($) |
|---|---|---|
| Each claim over 20 (including Reissues) | 50 | 25 |
| Each independent claim over 3 (including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |

| Total Claims | | Extra Claims | | Fee ($) | | Fee Paid ($) |
|---|---|---|---|---|---|---|
| _____ | - 20 or HP = | _____ | x | _____ | = | _____ |

HP = highest number of total claims paid for, if greater than 20.

| Indep. Claims | | Extra Claims | | Fee ($) | | Fee Paid ($) |
|---|---|---|---|---|---|---|
| _____ | - 3 or HP = | _____ | x | _____ | = | _____ |

HP = highest number of independent claims paid for, if greater than 3.

| Multiple Dependent Claims | |
|---|---|
| Fee ($) | Fee Paid ($) |
| _____ | _____ |

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is $250 ($125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | | Extra Sheets | | Number of each additional 50 or fraction thereof | | Fee ($) | | Fee Paid ($) |
|---|---|---|---|---|---|---|---|---|
| _____ | - 100 = | _____ | / 50 = | _____ | (round up to a whole number) x | _____ | = | _____ |

**4. OTHER FEE(S)**

| | Fees Paid ($) |
|---|---|
| Non-English Specification, $130 fee (no small entity discount) | |
| Other (e.g., late filing surcharge): Appeal Brief Filing Fee | 500 |

**SUBMITTED BY**

| | | | |
|---|---|---|---|
| Signature | | Registration No. (Attorney/Agent) 56,826 | Telephone 503-222-9981 |
| Name (Print/Type) | Robert C. Peck | | Date April 19, 2006 |

Docket No.: 109908-130088 **MAIL STOP: APPEAL BRIEF-PATENTS**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

By: _____ Date: April 19, 2006
Yvette L. Chrisdaden

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

| | | | | |
|---|---|---|---|---|
| App. No. | : | 09/741,219 | Confirmation No.: | 7676 |
| Inventor | : | Bosworth et al. | | |
| Filed | : | December 19, 2000 | | |
| Title | : | CELL BASED DATA PROCESSING | | |
| Art Unit | : | 2193 | | |
| Examiner | : | Vu, Tuan A. | | |
| Customer No. | : | 25,943 | | |

MAIL STOP: APPEAL BRIEF-PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**APPELLANT'S BRIEF IN SUPPORT OF APPELLANT'S APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Dear Sir:

This appeal furthers the Notice of Appeal filed on March 14, 2006. The appeal arises from a final decision by the Examiner in the final Office Action, dated December 14, 2005. The final decision was in response to arguments filed on September 13, 2005, in response to an earlier office action, mailed June 16, 2005.

Appellant submits this *Brief on Appeal*, including payment in the amount of $500.00 to cover the fee for filing the *Brief on Appeal.* Appellant respectfully requests

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consideration of this appeal by the Board of Patent Appeals and Interferences for allowance of the present patent application.

**Real Party in Interest:**

The Real Party in Interest is BEA Systems, Inc., of 2315 North First Street, San Jose, California 95131, which wholly owns B-1 Acquisition Corp., which is a successor in interest to Crossgain Corporation, assignee of the application. Assignment of the application from the Inventors to Crossgain Corporation is recorded with the United States Patent and Trademark Office on May 1, 2001, at Reel 011752 Frame 0670.

**Related Appeals and Interferences:**

To the best of Appellant's knowledge, there are no related appeals or interference proceedings currently pending, which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

**Status of Claims:**

Appellant appeals the rejection of claims 1-21. Claims 1-21 were pending and claims 1-21 were rejected in the final Office Action dated December 14, 2005. Claims 1-21 are reproduced, as pending, in Appendix A.

**Status of Amendments:**

Appellant has offered no amendments subsequent to the Examiner's final Office Action.

**Summary of the Claimed Subject Matter:**

Independent claim 1 is directed towards *a method of computing* that comprises

> "receiving at execution time, a data processing specification having a first and a second unnested data processing cell specification specifying a first and a second data processing cell respectively, with each data processing cell specification having a plurality of statements including a formula specifying an action or computation, the first data processing cell having a data

dependency on the second data processing cell, and specified in a manner to be analyzed before the second data processing cell;

analyzing in real time, the first and then the second data processing cell specification to determine execution order of the actions/computations specified by the first data processing cell specifications, based at least in part on interaction or computation references between the actions or computations specified; and

effectuating the data processing specified by the data processing specification in accordance with the determined execution order of said actions/computations specified by said first and second data processing cell specifications."

Figure 5 illustrates one example of a computer system capable of performing the operations recited in claim 1. Figure 5 is described in detail on page 16, lines 1-19, in accordance with some embodiments. Figure 1 illustrates an example data processing specification of claim 1 (X-Sheet 102), examples of data processing cell specifications of claim 1 (X-Cells 108), each of the X-Cells 108 including a formula 110 specifying an action or computation, as is recited in claim 1, an example execution analyzer 122 capable of determining an execution order, as is recited in claim 1, and an example execution engine 124 capable of effectuating the data processing, as is recited in claim 1. Figure 1 is described in detail on page 5, line 1 through page 13, line 25, in accordance with some embodiments. Figures 2 and 4 are flowcharts illustrating selected operations recited in claim 1. Figure 2 illustrates exemplary operations of an example execution analyzer 122, and Figure 4 illustrates exemplary operations of an example execution engine 124. Figures 2 and 4 are described in detail on page 14, line 1 through page 15, line 24, in accordance with some embodiments.

Independent claim 11 is directed towards *an apparatus* which, in substance, is claim 1 in apparatus form. Therefore, support can be found in the same figures and passages in the specification enumerated in the immediately preceding paragraph.

Independent claim 21 is directed towards *an apparatus* that comprises means for performing the operations recited in claim 1. Therefore, support can be found in the same figures and passages in the specification enumerated in the preceding paragraph summarizing claim 1.

**Grounds For Rejection To Be Argued On Appeal:**

I. Claims 1-6, 8-9, 11-16, 18-19, and 21 stand rejected under 35 U.S.C. §102(a) as being anticipated by Bex et al., "A Formal Model for an Expressive Fragment of XSLT", *First International Conference of Computational Logic, London*, July 2000, Proceedings; Springer-Verlag; pgs. 1137-1151 (hereinafter "Bex").

II. Claims 7, 10, 17, and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bex, as applied to claims 1, 9, 11, and 19, in view of W3C, "XML Path Language (XPath)" (hereinafter "XPath") and "XSL Transformation (XSLT) Version 1.0" (hereinafter "XSLT"), *W3C Recommendation 16 November 1999*.

**Arguments:**

I. Rejections of claims 1-6, 8-9, 11-16, 18-19, and 21 under 35 U.S.C. §102(a) were improper because Bex is unavailable as a reference under 35 U.S.C. § 102(a).

A paper which is orally presented in a forum open to all interested persons constitutes a "printed publication" as of the date of the oral presentation under 35 U.S.C. §102(a) if written copies are disseminated without restriction. *Massachusetts Institute of Technology v. AB Fortia*, 774 F.2d 1104, 1109 (Fed. Cir. 1985). If written copies of the presented paper are not disseminated without restriction, the paper may be considered a "printed publication" as of the date that the paper is disseminated or otherwise made available to the extent that persons of ordinary skill in the art, exercising reasonable diligence, can locate it. *In re Wyer*, 655 F.2d 221 (CCPA 1981). In proving that a paper is a "printed publication" under 35 U.S.C. §102(a), the Examiner must make a "satisfactory showing." *Id.*

The Examiner asserts in the final Office Action mailed December 14, 2005, page 9, that the Bex reference provided is identical to a paper presented at the "First International Conference on Computational Logic" (hereinafter, "CL 2000") on July 28, 2000. While the reference indicates that it is part of a later publication by the publisher Springer-Verlag of presentations made at the CL 2000 conference, there is no indication in the reference itself as to whether the reference is identical to a paper disseminated without restriction at the CL 2000 conference, or whether there even was such a paper disseminated at the CL 2000 conference. At best, the Examiner has shown that some of the subject matter later published by Springer-Verlag as Bex was orally presented on July 28, 2000 at the CL 2000 conference. Accordingly, the Examiner has not made a satisfactory showing that Bex was available as a reference as of July 28, 2000.

Additionally, the Examiner asserts that the Bex provided was published on August 17, 2000. Beyond the Examiner's assertion, no evidence was provided of the

August 17, 2000 date. The best evidence of a reference availability date in 2000 is the copyright at the bottom of page 1 of Bex, indicating a 2000 copyright by Springer-Verlag. The filing date of the present application is December 19, 2000. Accordingly, even if the Examiner has made a satisfactory showing that Bex is available as a printed publication as of 2000, Bex nonetheless might not be prior art, as the present application may have been filed prior to Bex's date of publication.

Accordingly, since the Examiner has failed to make a satisfactory showing of Bex's dissemination and availability prior to December 19, 2000, Bex is unavailable as a reference under 35 U.S.C. §102(a).

II. Rejections of claims 1-6, 8-9, 11-16, 18-19, and 21 under 35 U.S.C. §102(a) were improper because Bex fails to anticipate the claimed invention as claimed in claims 1-6, 8-9, 11-16, 18-19, and 21.

It is well settled that anticipation under 35 U.S.C. §102 requires the disclosure in a single piece of prior art to teach **each and every** limitation of a claimed invention. *Electro Med. Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 1052, 32 USP Q2d 1017, 1019 (Fed. Cir. 1994). . MPEP 2131 states, "TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM" and "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Furthermore, anticipation requires that each claim element must be identical to a corresponding element in the applied reference. *Glaverbel Société Anonyme v. Northlake Mktg & Supply, Inc.*, 45 F.3d 1550, 1554 (Fed. Cir. 1995). Thus, to anticipate the present invention, Bex must disclose every element recited in the pending claims.

Claim 1 recites a "method of computing comprising:

receiving at execution time, a data processing specification having a first and a second unnested data processing cell specification specifying a first and a second data processing cell respectively, with each data processing cell specification having a plurality of statements including a formula specifying an action or computation, the first data processing cell having a data dependency on the second data processing cell, and specified in a manner to be analyzed before the second data processing cell;

analyzing in real time, the first and then the second data processing cell specification to determine execution order of the actions/computations specified by the first data processing cell specifications, based at least in part on interaction or computation references between the actions or computations specified; and

effectuating the data processing specified by the data processing specification in accordance with the determined execution order of said actions/computations specified by said first and second data processing cell specifications."

In contrast, Bex fails to disclose at least "a data processing specification having a first and a second unnested data processing cell specification . . . each data processing cell specification having a plurality of statements including a formula specifying an action or computation."

The Examiner equates the use of a Document Type Definition (DTD) in Bex with the "data processing specification" recited in claim 1 of the present application. Applicants respectfully disagree with the Examiner's analogy, as well as with the reasoning provided in support of that analogy by the Examiner in Section (B) of the "Response to Arguments" included in the final Office Action. The Examiner asserts that the term "data processing" has no weight in light of the fact that DTDs are intended for data processing. Thus, "data processing specification" has been interpreted by the Examiner to read simply as "specification." Here, Claim 1 states that the data

processing specification has first and second data processing cell specifications, and that each of these data processing cell specifications includes a formula specifying an action or computation. Thus, the "data processing specification" of claim 1 isn't simply a "data processing specification" because it consists of data that is intended to be processed. Rather, it is a "data processing specification" because it includes formulas that specify how some given data should be processed. A DTD does not specify any data processing operations. It simply declares data that may appear in a given document and is processed along with that document. Thus, a DTD is not a "data processing specification" as Applicants have defined and used those terms in the present application.

Even assuming *arguendo* that the DTD of Bex reads on "data processing specification," Bex still fails to disclose "a first and a second unnested data processing cell specification . . . each data processing cell specification having a plurality of statements including a formula specifying an action or computation." The Examiner asserts that the element declarations of Bex read on "data processing cell specifications." This assertion, however, is incorrect for at least two reasons.

First, "data processing cell specifications," like the "data processing specification" described above, include formulas specifying an action or computation, thus directing how some data is to be processed. The element declarations of a DTD, like the DTD itself, do not specify any data processing operations. They simply declare data that may appear in a given document and are processed along with that document. Thus, element declarations are not "data processing cell specifications" as Applicants have defined and used those terms in the present application.

Second, the element declarations of Bex's DTD do not include, expressly or inherently, formulas specifying actions or computations. While elements of a document that have been declared in the document's associated DTD may include formulas specifying actions or computations, the element declarations themselves do not and can

not include such formulas. Even if "include" is read far more loosely than is warranted so that an element declaration "includes" whatever formulas elements matching that declaration include, Bex fails to explicitly show or discuss any elements matching the element declarations of the DTD which include formulas specifying an action or computation. Further, Bex does not inherently disclose elements including formulas because elements themselves do not inherently include formulas specifying actions or computions. An entire XML or HTML document may simply declare text and not include any operation-specifying formulas. Accordingly, Bex fails to disclose the data processing cell specifications in as complete of detail as is disclosed in claim 1 of the present application.

Additionally, according to claim 1, "the first data processing cell" has "a data dependency on the second data processing cell." The element declarations of the DTD of Bex do not and can not have data dependencies upon each other.

Therefore, for at least the foregoing reasons, Bex does not anticipate claim 1 under 35 U.S.C. §102(a).

Each of independent claims 11 and 21 contains in substance the same recitations earlier discussed for claim 1. Accordingly, for at least the same reasons, claims 11 and 21 are patentable over Bex under 35 U.S.C. §102(a).

Claims 2-6, 8-9, 12-16, and 18-19 depend from claims 1 and 11 respectively. Thus, for at least the same reasons, claims 2-6, 8-9, 12-16, and 18-19 are patentable over Bex under 35 U.S.C. §102(a).

III. Rejections of claims 7, 10, 17, and 20 under 35 U.S.C. §103(a) were improper because Bex, XPath, and XSLT, alone or in combination, fail to teach or suggest the claimed invention when the invention as claimed in claims 7, 10, 17, and 20 is viewed as a whole.

As stated above, Bex fails to teach the required, recited operations of the present invention, as claimed in claims 1, 11, and 21. XPath and XSLT do not remedy the above discussed deficiencies of Bex. Thus, even when combined with XPath and XSLT, the cited art fails to disclose or suggest the novel features that are noted when the invention of claims 1, 11, and 21 is viewed as a whole.

Claims 7, 10, 17, and 20 depend from claims 1 and 11, respectively. Consequently, claims 7, 10, 17, and 20 are patentable over the combination of Bex, XPath, and XSLT, under 35 U.S.C. §103(a).

**Conclusion**

Appellant respectfully submits that all the appealed claims in this application are patentable and requests that the Board of Patent Appeals and Interferences overrule the Examiner and direct allowance of the rejected claims.

This brief is submitted with Check Number 13858 for $500.00 to cover the filing of the appeal brief. We do not believe any additional fees, in particular extension of time fees, are needed. However, should that be necessary, please charge our deposit account 500393. In addition, please charge any shortages and credit any overages to Deposit Account No. 500393.

Respectfully submitted,

Date: April 19, 2006

Robert C. Peck, Reg. No. 56,826
Agent for Appellant Applicant

Schwabe Williamson & Wyatt, P.C.
1420 Fifth, Suite 3010
Seattle, WA 98101
Tel: (206) 622-1711
Fax: (206) 292-0460

# Appendix A – Appealed Claims

1. (Previously Presented) A method of computing comprising:

receiving at execution time, a data processing specification having a first and a second unnested data processing cell specification specifying a first and a second data processing cell respectively, with each data processing cell specification having a plurality of statements including a formula specifying an action or computation, the first data processing cell having a data dependency on the second data processing cell, and specified in a manner to be analyzed before the second data processing cell;

analyzing in real time, the first and then the second data processing cell specification to determine execution order of said actions/computations specified by said first data processing cell specifications, based at least in part on interaction or computation references between said actions or computations specified; and

effectuating the data processing specified by the data processing specification in accordance with the determined execution order of said actions/computations specified by said first and second data processing cell specifications.

2. (Previously Presented) The method of claim 1, wherein each of said first and second data processing cell specifications is delineated by a beginning and an ending data processing cell specification tag.

3. (Previously Presented) The method of claim 1, wherein said first data processing cell specification has a formula referencing a value of said second data processing cell specification.

4. (Previously Presented) The method of claim 1, wherein one or both of said first and second data processing cell specifications comprise one or more attribute specifications specifying one or more attributes of the corresponding data processing cell(s).

5. (Previously Presented) The method of claim 4, wherein the first data processing cell has a first attribute referencing a second attribute of said second data processing cell.

6. (Previously Presented) The method of claim 1, wherein said second data processing cell specification comprises a reserved mnemonic for providing input to the data processing specified by the data processing specification.

7. (Previously Presented) The method of claim 1, wherein said first data processing cell specification is a reserved output cell specification specifying output of the data processing specified by the data processing specification.

8. (Previously Presented) The method of claim 1, wherein said second data processing cell specification comprises a conditionally executed formula.

9. (Original) The method of claim 1, wherein said data processing specification further includes one or more global attributes specifying one or more global processing characteristics for the specified data processing.

10. (Original) The method of claim 9, wherein said one or more global attributes include a global attribute specifying a format for providing the specified data processing with an HTTP request.

11. (Previously Presented) An apparatus comprising:

at least one storage unit having stored thereon programming instructions designed to:

receive at execution time, a data processing specification having a first and a second unnested data processing cell specification specifying a first and a second data processing cell, with each data processing cell specification having a plurality of statements including a formula

specifying an action or computation, the first data processing cell having a data dependency on the second data processing cell, and specified in a manner to be analyzed before the second data processing cell,

analyze in real time, the data processing specification to determine an execution order of said actions/computations specified by said first and second data processing cell specifications, based at least in part on interaction or computation references between said actions or computations specified, and

effectuate the data processing specified by the data processing specification in accordance with the determined execution order of said actions/computations specified by said first and second data processing cell specifications; and

at least one processor coupled to said at least one storage unit to execute said programming instructions.

12. (Previously Presented) The apparatus of claim 11, wherein the programming instructions are designed to recognize delineation of each of said first and second data processing cell specifications by a beginning and an ending data processing cell specification tag.

13. (Previously Presented) The apparatus of claim 11, wherein said programming instructions are designed to support said first data processing cell specification having a formula referencing a value of the second data processing cell specification.

14. (Previously Presented) The apparatus of claim 11, wherein said programming instructions are designed to support one or both of said first and second data processing cell specifications having one or more attribute specifications specifying one or more attributes of the corresponding data processing cell(s).

15. (Previously Presented) The apparatus of claim 14, wherein said programming instructions are designed to support the first data processing cell having a first attribute referencing a second attribute of said second data processing cell.

16. (Previously Presented) The apparatus of claim 11, wherein said programming instructions are designed to support said second data processing cell specification having a reserved mnemonic for facilitating provision of input to the data processing specified by the data processing specification.

17. (Previously Presented) The apparatus of claim 11, wherein said programming instructions are designed to support said first data processing cell specification being a reserved output cell specification specifying output of the data processing specified by the data processing specification.

18. (Previously Presented) The apparatus of claim 11, wherein said programming instructions are designed to support said second data processing cell specification having a conditionally executed formula.

19. (Previously Presented) The apparatus of claim 11, wherein said programming instructions are designed to support said data processing specification having one or more global attributes specifying one or more global processing characteristics for the specified data processing.

20. (Original) The apparatus of claim 19, wherein said programming instructions are designed to support one of said one or more global attributes being a global attribute specifying a format for providing the specified data processing with an HTTP request.

21. (Previously Presented) An apparatus comprising:

means for receiving at execution time, a data processing specification having a first and a second unnested data processing cell specifications specifying a first and a

second data processing cell, with each data processing cell specification having a plurality of statements including a formula specifying an action or computation, the first data processing cell having a data dependency of the second data processing cell, and specified in a manner to be analyzed first;

means for analyzing and determining in real time, execution order of said actions/computations specified by said first and second data processing cell specifications, based at least in part on interaction or computation references between said actions or computations specified; and

means for effectuating the data processing specified by the data processing specification in accordance with the determined execution order of said actions/computations specified by said first and second data processing cell specifications.

## Appendix B – Copies of Evidence Submitted

No evidence has been submitted under 37 C.F.R. 1.130, 1.131, or 1.132. No evidence entered by Examiner has been relied upon by Appellant in the appeal.

## Appendix C – Related Proceedings

There are no related appeals or interference proceedings currently pending, which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.